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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,306	12/29/2000	Carol J. Ansley	56130.000063	6729
21924	7590	11/15/2005	EXAMINER	
ARRIS INTERNATIONAL, INC 3871 LAKEFIELD DRIVE SUWANEE, GA 30024			JONES, PRENELL P	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

09/750,306

Applicant(s)

ANSLEY, CAROL J.

Examiner

Prenell P. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1:136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,5 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,5 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed August 25, 2005 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 4, 5 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, in line 9 and 11, claim 5, inline 9 and claim 15, in line 6 Applicant is claiming "**capable**," which is indefinite. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (US Pat. 5,930,231) in view of Carney et al (Re. 29,215) and Koban (US Pat. 6,937,721).

Regarding claim 5 and 16, Miller discloses (Abstract, col. 6, line 65 thru col. 8, line 67) block spectrum receiver in addition to a number of other receivers for a broadband communication system over cable television distribution (CATV), wherein (Figs. 4, 5 and 7, col. 22, line 30 thru col. 23, line 60) multiplexed telephony directing incoming signals to subscribers on a broadband network, receiving outgoing signals from subscribers on the upstream as associated with selected sub-bands (assigned frequency block), multiplexed signals to bus or backplane, (col. 12, line 15-40, col. 13, line 16-26) CATV network interfaces with a telephony network via input and output interface, (col. 6, line 65 thru col. 8, line 67, col. 18, line 24-43) receiver includes a tuner, whereby the can be variable or fixed, or can be adapted to tune in on certain frequencies (col. 13, line 16-26, col. 14, line 31-41) plurality of broadband input signals, input interface and output interface, (col. 16, line 7(col. 15, line 13-56, col. 18, line 44-67, col. 19, line 25-67) utilizing multiple receivers associated with a broadband network, utilizing CATV broadband communication system and frequency allocation, (col. 13, line 62 thru col. 14, line 8, col. 18, line 11-14) decoding of multiplexed data that is translated into and assigned frequency, (col. 20, line 4-13, col. 23, line 50-67, col. 25, line 17-38) outgoing telephony signals are digitized, (col. 17, line 29-51) data signals are grouped with individual sub-band (frequency block), (col. 21, line 7-36) utilizing frequency agile feature and dynamically assigning channels in response to changing conditions and reallocation of bandwidth in response to subscribers needs. However, Miller is silent on multiplexing signals from several receivers on a common path or bus and broadband signals include cable television modem signals. In a communication system that utilize multiplexing of data between locations, Carney discloses a communication system that interconnects multiplexers and office terminals, (col. 1, line 20-37) wherein Carney further discloses that it is known in the art to multiplex signals from several lines on a common path or

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bus, and Koban teaches broadband circuits associated with processing signals, wherein signal input of the broadband circuit prefers xDSL signals/CATV modem signals (col. 4, line 24-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement multiplexing multiple signals onto a common bus or path as disclosed by Carney, as well as, implementing cable modem signals associated with broadband as taught by Koban with the teachings of Miller for the purpose of further handling large amounts of data between locations more efficiently and further providing mixed signal communication in a broadband system.

Allowable Subject Matter

3. Claim 4 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

4. The following is Examiner's statement for indicating allowable subject matter: Applicant has canceled previously rejected claims 1-3, 6-14 and 16-22.

Although the prior art discloses broadband communication associated with a CATV fiber optic network whereby the cable modems assist in scheduling transmission with respect to allocated frequency and bandwidth management associated with communicating broadband data in a wireless cable modem (CATV) environment they fail to teach/suggest the activation of a second receiver unit which comprises tuning at least one of the individual receiver modules of a second receiver unit to an assigned frequency for a corresponding failed one of the individual receiver modules in the first receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

November 2, 2005



CHIEH M. FAN
PRIMARY EXAMINER